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Patent Application
Docket No. GJE.7660

August 3 2009
David Saliwanchik
David R. Saliwanchik, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Nazir Khan *et al.*
Serial No. : 10/584,121
Filed : June 23, 2006
Art Unit : Not yet assigned
Conf. No. : 9857
For : Laser Imaging

Mail Stop PCT
Commissioner of Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Leonard Smith

RENEWED PETITION UNDER 37 CFR 1.47(a)

Sir:

The applicants filed a Petition dated February 4, 2009 pursuant to 37 CFR 1.47(a) to File Application Without Signature of Joint Inventor in the subject application. The applicants received a Decision on Petition dated June 1, 2009.

This Renewed Petition is being submitted in response to the Patent Office's Decision on Petition. The Decision on Petition indicates that the Petition of the applicants did not satisfy the requirement (4), that the non-signing inventor received a copy of the application and application papers with Serial Number.

The applicants wish to point out that when the papers were sent from Mr. Perry to Mr. Khan, the U.S. Serial Number was not known to Mr. Perry; however, the International Application No. was indicated on the Declaration and Power of Attorney form provided to Mr. Khan. Attached herewith is an executed Declaration by Mr. Robert Perry stating firsthand the facts regarding the applications and attached documents that were sent to Mr. Khan.

The applicants wish to note that there have been four cases filed in the U.S. on behalf of DataLase wherein inventor Khan has refused to sign a Declaration and Power of Attorney form without payment. This demand for extra undeserved payment amounts to a refusal to sign the Declaration.

DataLase, the rightful owner of this technology and the technologies associated with U.S. Application Nos. 10/566,021; 11/659,758; and 11/666,919 has incurred substantial costs in filing the four applications without the signature of Mr. Khan. The Petitions regarding the other three applications have all been granted.

Accordingly, the applicants believe that the Petition satisfies the requirements under CFR 1.47(a) and request that the Petition be granted.

The Commissioner is hereby authorized to charge any additional fees as required by 37 CFR 1.17(h) to Deposit Account No. 19-0065.

Respectfully submitted,



David R. Saliwanchik

Patent Attorney

Registration No. 31,794

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DRS/la

Attachments: as stated above

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Martin Robert Walker, Nazir Khan
Serial No. : 10/584,121
Filed : June 23, 2006
Art Unit : Not yet assigned
For : LASER IMAGING

Commissioner for Patents
P O Box 1450
Alexandria, VA 22313-1450

DECLARATION OF ROBERT EDWARD PERRY

Sir:

I, Robert Edward Perry, make this declaration based on my personal knowledge and belief:

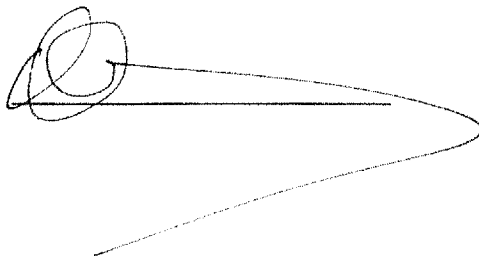
1. I am a European patent attorney with the firm Gill Jennings & Every LLP located in London, England. The firm represents the true assignee of this Application (DataLase Ltd.) in intellectual property matters.
2. On June 16, 2006, I sent to Dr Nazir Khan, one of the inventors, a letter wherein I enclosed a copy of the specification of this Application (including the claims) and a Declaration/Power of Attorney form and an Assignment document for execution by the inventors. The letter was sent by Royal Mail courier service to Dr Khan's last known address, i.e. 6 Hillingdon Avenue, Nuthall, Nottingham, NG16 1RA.
3. On June 22, 2006, Dr Khan sent the enclosed email to Andrew Whyte of DataLase Ltd., advising him that the forms would be signed only with payment.
4. Under English law, no further payment is due to Dr Khan in respect of inventions made in the course of his employment with DataLase Ltd. Further, all rights in the invention belong to DataLase Ltd. Accordingly, Dr Khan's requirement for payment is a refusal to sign the forms.

5. Dr Khan was employed by DataLase Ltd. at the time that the invention was made. Dr Khan did not execute a specific assignment of his invention in favour of DataLase Ltd. Dr Khan is no longer in the employ of DataLase Ltd.

6. Under English law, all rights of the inventors relating to the invention belong to DataLase Ltd. by virtue of Section 39 of the United Kingdom Patents Act 1977. The contribution of the inventors to the invention was made in the course of their employment by DataLase Ltd. or its predecessor in title.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By:

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke that extends to the right.

Date:

July 31, 2009